



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/671,401  | 09/25/2003  | W. Novis Smith       | 1803-17             | 8065             |
| 7590  | 10/06/2005  |                      | EXAMINER            |                  |
| JOHN LEZDEY & ASSOCIATES<br>2875 MCI Drive<br>Pinellas Park, FL 33782 |             |                      | PATEL, TAJASH D     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3765                |                  |

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                    |                         |  |
|------------------------------|------------------------------------|-------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b>             | <b>Applicant(s)</b>     |  |
|                              | 10/671,401                         | SMITH, W. NOVIS         |  |
|                              | <b>Examiner</b><br>Tejash D. Patel | <b>Art Unit</b><br>3765 |  |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 25 September 2003.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 9, 11, 12, 15, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Romanowski (US 5,811,359). Romanowski discloses a fire-retardant protective garment, col. 3, lines 55-65 which provides barrier against biological and chemical agents, col. 4, line 66 – col. 5, line 1, that includes an exterior and an interior polymeric film surface with the interior thereof having an antistatic effective amount of conductive coating, col. 3, lines 49-52 and as shown in figures 1 and 1A. Further, the inner portion of the garment has an outer film layer coated with inorganic salt/chloride, col. 5, lines 1-43. Also, an interior non-woven scrim (22) can be spun bonded which is coated with inorganic salt, col. 7, lines 21-50. In addition, the scrim is attached to an outer film layer (24,26) of pressure sensitive adhesive having antistatic agent that inherently forms an electrical bridge, col. 17, lines 4-15. The garment having the film

can be made of polyolefin, col. 5, lines 24-37. It is inherent that the antistatic effected of the garment having the film is activated by the humidity therewithin when worn. Furthermore, the inorganic salt coating can be incorporated into the scrim (22), col. 17, lines 16-17.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

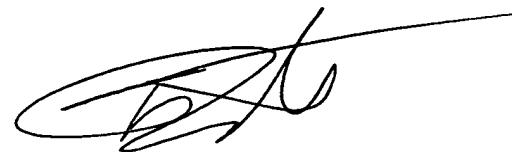
4. Claims 6-8, 10, 13, 14, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romanowski. With regard to claims 6-7, 10, 13 and 17, col. 5, lines 1-43, states weight ranges of inorganic salt/chloride applied to the garment. Therefore, it would have been obvious to one skilled in the art through routine experimentation that the inorganic salt coatings of Romanowski on the scrim and garment are met as required for a particular application or end use thereof.

With regard to claims 8 and 19, it would have been obvious that inorganic salt/chloride coating of Romanowski can include alkali metal salt, hydrates, etc depending of the availability of material at the time the device was fabricated.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tejash Patel whose telephone number is (571) 272-4993. The fax phone number for this group is (571) 273-8300.



September 30, 2005

**TEJASH PATEL  
PRIMARY EXAMINER**